

Environmental Justice Checklist and Resources for Ecology Staff and Management

Please assess the following questions and items as you conduct your work.

The purpose of this Checklist is to raise awareness of possible environmental justice (EJ) issues and dynamics when working with communities or when working with statewide policies that affect the public's health or a community's environment.

Reviewing these items will help to further identify possible issues of concern, appropriate considerations, or actions for follow-up. **Going through them** will benefit you and your program. **Not going through these considerations** could make your - and the agency's - work less effective, and possibly expose the agency to additional liabilities.

Overall, consider the "stakeholders."
Who are they and who's missing?

LOCATION & IMPACT

- ☒ **Who lives, works, or recreates closest to the facility/site/area of concern?** This first step helps to physically define the "community" and everyone who's in it. Consider: Are all the area's residents and users aware of the work you're doing and its relationship to their environment? Are they represented? How?
- ☒ In general, a **one-mile radius from the area of concern should be considered for residents, including housing, tribes, schools, other institutions, etc.** For soil contamination, an area smaller than a mile's radius may be adequate. For air releases, where weather patterns usually matter, a larger area may be more appropriate to consider. For water-related issues, down stream, down gradient, a local aquifer's area, or perhaps the entire drainage basin may be the area to consider. In a small town, it may be best to address the entire town. Transportation problems associated with a given project (e.g., construction or operation-related traffic on the only road through town) may also be an issue that can go far beyond a mile's radius.
- ☒ For **statewide effects** (rules, policies, etc.), **the goal is to actively solicit comments and participation from a full representation of the "community."** Identifying those who might ordinarily be left out is not as clear-cut. **The key: look for, invite, welcome, and assist diversity. Look to draw in those most likely to be affected by the rule, policy, or other Ecology-related activity.** This may mean going into a variety of communities, at least informally, and talking with them to better understand if there is a probable or possible effect on them. Arranging a tour with someone who knows the community will help.
- ☒ **Cumulative effects. What other environmental pollution or environmentally related activities are or have been taking place within a 1- to 2-mile radius of the area in question? What is the cumulative effect of those other sites?**
- ☒ To help make up for what is not posted in the **facility/site** system, the lead for the project or issue will be expected to let people in other programs within the regional office know what they're embarking upon. This can be easily done by a "send-all" e-mail within the respective office. The regional EJ subcommittee contact and/or lead Public Information Officer (PIO) will also help to identify who would be most appropriate within the office to notify. Contact Education and Outreach Specialists in the regions (Toxics Cleanup, Water Quality, Air Quality Programs, etc.) who are doing on-the-ground public-involvement work. They are likely already involved with some (or many) of the groups who will need to be contacted and may have already established positive relationships with them.

Start at **Ecology's "Facility/Site"**
Web site:
<http://www.ecy.wa.gov/services/as/iss/fsweb/fshome.html>. This will show much (but likely, not all) of what Ecology is tracking in the area.

- ☑ In terms of cumulative effects, here's a basic point to consider: **if there are multiple sources of pollution in the immediate area of interest, the need increases for a public health specialist to help assess those factors.** This person should be prepared for health-related questions and concerns from the community and the news media. Help bring that expertise in early, starting with the staff from local public-health districts. Other resources are also available: see the **Public Health** reference later in this list.

- ☑ **Demographic Maps.** Ecology supports demographic maps that focus on **low-income, non-white, and tribal lands.** These are statewide, county, some city, and tribal demographic maps of Washington. They're built on Ecology and U.S. Census data. There are currently 51 maps that can be accessed at: http://ecy-hqapp10/Sustainability/EJ/EJ_Maps.htm

SEPA/NEPA

- ☑ **Should the State or National Environmental Policy Acts be considered?** SEPA may be the most appropriate and best opportunity or tool to consider important issues covered in this checklist, whether site-specific or on a statewide basis. It's possible that the applicant/business/entity that's triggering Ecology's review or involvement isn't necessarily looking for SEPA/NEPA considerations when they should be. Either way, check with Ecology's SEPA staff if you're not sure. They can help determine what needs to be considered and done in this regard.

Barbara Ritchie in the **Shorelands and Environmental Assessment Program**, (360) 407-6922, can also help with this.

TRIBES

- ☑ **Tribal treaty reserved rights.** Twenty-one tribes within the state have off-reservation rights guaranteed by the United States through treaties under which the tribes ceded title to most of the land within the state. These treaty-reserved rights include the right to take fish and shellfish in "usual and accustomed areas" throughout most of the state for commercial and subsistence purposes. **If the site/facility/action will affect fish or shellfish, it will likely affect one or more tribes.**
- ☑ **Tribal lands.** **If a facility/site/action will affect tribal lands, Indian reservations in particular, the appropriate tribal government needs to be contacted and kept informed.** Indian reservations are an available layer in our geographic information system (GIS) mapping files.

You can get assistance in understanding tribal interests, tribal reservations, potential impacts and how to best communicate with tribes by visiting <http://aww.ecology.ecy.wa.gov/intergov/tribal> (an intranet site), or contacting Ecology's liaison with tribal governments, **Tom Laurie, Inter-governmental Liaison**, (360) 407-7017.

CULTURE AND LANGUAGE

- ☑ **Subsistence and cultural users.** **Are any resources affected by the site/facility/action used for subsistence or for cultural purposes?** In addition to direct problems created by discharges or displacement, subsistence use may be affected by treatment options or cleanup levels. This can apply to fishing, hunting, and/or harvesting, and tribal and/or non-tribal communities. Many Southeast Asian (and other) residents in Washington have cultures and diets that use or consume local foods, plants, mushrooms, nuts, etc., that are not cultivated or protected or managed as a conventional "crop." The gathering and consumption of fish, aquatic life, herbs and plants within a local environment – and Ecology's environmental work in the same water body or area can easily be related to subsistence issues. For more information about the relationships between subsistence consumption, toxicity exposure, and public health, see the **Public Health** reference later in this list.

- ☑ **Communication/language barriers.** **Are there one or more notable non-English-speaking populations that may be part of the area or community in consideration? Regardless of the predominant language(s), is illiteracy an issue? Are your messages getting to those who need to see or hear them?** The standard requirement to post notices in the legal page of the predominant newspaper of the region is not effective communication by itself.

- ☑ Notices at laundry facilities, homeless shelters, employment offices, food banks, post offices, bus stops/transit stations, and local radio stations will likely reach many more low-income or migrant residents. Also, churches, playgrounds, parks, health clinics, grocery stores, and community centers are effective places to consider for printed messages. Flyer inserts in newspapers specific to the culture (i.e., Latino, Vietnamese papers, etc.) or notices sent via school district cultural programs are also very effective. Notices in these locations also inform employees as much as the general public who goes there.

- ☑ **Cultural barriers.** **What potential cultural barriers should be considered?** Local residents from other cultures often don't trust the government, including meetings in government buildings. (This is not to imply that any local resident necessarily *does* trust a government meeting in a government building.)

Ecology has an outstanding responsive, field-proven, translation resource for print, meetings and other needs. The “**Multi-lingual Interpretation and Translation Teams**” (MITT) work in Chinese, Spanish, Vietnamese, Russian and Korean. Don't hesitate to use this resource at <http://aww.ecology.ecy.wa.gov/mitt/>. If other languages are needed, including signing for the deaf, contact your EJ representative. And don't forget to add Ecology's TDD (Telecommunication Device for the Deaf) phone numbers to your notices.

MEETINGS

- ☑ **Non-government buildings.** It's perfectly acceptable, and in some cases **it may be to an advantage, to conduct Ecology public meetings or events in non-governmental (or less traditional) buildings** – provided that such locations still meet Americans with Disability Act requirements. Doing this may diminish or remove some cultural barriers, thus increasing attendance and participation. Schools, churches, tribal centers, fire stations, granges, community centers (formal or otherwise) are some suggested examples. Using a community hall may be the easiest and best thing you can do to create a welcoming meeting (for Ecology as well as the community) with good participation. People are more likely to come if they know the location as “their” community center – as compared to a place of bureaucrats and regulations.
- ☑ **Tables partially blocking entrances with sign-in sheets can be intimidating.** It's good to have an Ecology person at the entrance to welcome folks but try to not separate yourself with a table from those coming in. Consider placing the table along a wall; you won't be tempted to sit behind it and it won't be in the way. And don't feel compelled to require a sign-in. If someone does not wish to sign in, welcome him or her anyway. Let him/her know that his/her name and address is respectfully requested so we can send follow-up information related to the meeting's topic. If someone wishes an Ecology reply to his or her comment or question, a name and mailing address would be needed, of course. We appreciate having names to help know how many people attended the meeting. A list also helps show other visitors and meeting managers how many people intend to comment. If formal comments are being taken, a list of the names of those wishing to comment may be requested before the comment period starts (not necessarily before the meeting starts) to establish the order of speakers. However, the law doesn't require one's name to be on a list in order to have the right to walk up and comment at the last minute if there's time. Typically, a speaker's name is requested (to be given verbally) at the time the comment is given. **The point is, signing an attendance sheet is not required for admittance or participation in a public meeting.**
- ☑ **Check with locals (church leaders, teachers, community center staff, health clinic staff, etc.) to learn more about cultural factors.** They will likely be good resources to help draw local interest and participation.

- ☒ **Local meetings. Are these events accessible?** For meetings/hearings/workshops/other Ecology-sponsored public events, **ensure accessibility to the greatest extent practicable. This applies not only to the Americans with Disability Act (ADA), but also to timing and geographic location.** Low-income individuals seldom work 8-5 and often don't have a car. Consider these people who depend on public transit.

State agencies have a very good resource to show which public facilities, beyond the traditional, are ADA accessible. The website <http://www.ga.wa.gov/servlet/ADASearchFormSy> should be reviewed for any kind of public meeting that Ecology is going to conduct or sponsor. It includes county and city listings of facilities that have already been certified to meet ADA requirements.

- ☒ Site the meeting as close as possible to those most likely to be affected. Would a Saturday event draw a broader (more diverse/more participatory) group, including younger people? Does a bus route serve the location? If so, does it run late enough in the evening to get folks home after the meeting? Could your meeting(s) take place at an already scheduled community event (that's open to all and appropriate for ADA considerations)? This may be where locally involved interests are more likely to attend and feel welcome to participate. Are you better off going to smaller venues (churches, schools, community service centers) or individual homes and talking face to face?

- ☒ **Types of meetings: open houses, workshops, community forums and roundtables. Can each imply (and actually be) a less formal and more participatory event than a "meeting"?** With the exception of formal hearings required by law, these other kinds of public events may likely bring a much better representation of the general public simply because of the descriptive name. Better yet, a real "open house" (even if not in an Ecology building) will encourage people to come any time during the event without the expectation that one has to be there from the start to the finish. This may also **improve attendance, outreach, communication, and common understanding** – all of which are our goals. An open house may require additional staff, but more people will be able to talk one-on-one with Ecology experts without having to wait or risk intimidation by speaking publicly (often into a microphone).

RESOURCES TO OVERCOME BARRIERS

- ☒ **Local expertise. What and where are the effective networks for communicating within a community?** These will likely include several of the following: schools (principals and teachers), local newspaper reporters, local radio stations, church leaders, multi-denominational organizations, community centers (their "events" organizers), community health centers (doctors *and* nurses), local government entities, libraries, environmental groups, etc. This is important to assess because they can be very good resources for answering some of the questions above. They may also be more effective (and less traditional) resources that can help get our message out. These resources may also help get the community's message(s) back to us. They can help answer our questions, provide us with quality comments, and bring broader public participation to our work.

Grants to the community may be available through the federal or state government and possibly some private sources; look into this early. If relevant, check with your local EPA counterpart or Ecology's Solid Waste & Financial Assistance (SWFA) Program for additional information. **Dolores Mitchell within the SWFA Program, (360) 407-7031** is a good resource on this.

- ☒ **Governmental barriers. Who's doing what? Do we know who are all the regulatory and governmental entities at play in the issue we're dealing with, including their representatives?** Are we coordinating with them? Does the community know who all the players are and how to contact them? Are we helping them understand what Ecology's role is in relation to the other, topic-related entities (EPA, city/county, local air authority, local public health, state public health, etc.)? Are we clearly stating what we're able to address and why? Not sure? Work to find this out as soon as possible. Invite these other governmental entities' participation, in writing as well as more personally. You don't have to do it all, but help introduce and explain their respective role(s) to all interested and affected parties.

- ☒ **Technical and financial barriers. Are the communities realistically prepared to understand the technical issues? Could they benefit from having technical expertise** working with and/or for them (e.g., a geohydrologist, a public health official, a toxicologist, air pollution or regulatory expertise, etc.)? Limited grant dollars may be

available to local governments or non-governmental groups for addressing specific environmental issues. The key is to determine this early enough to keep bureaucratic time constraints from getting in the way.

- ☒ **What cost-related issues could hamper a community's ability to participate with Ecology's activities?** These may include costs for transportation to Ecology meetings (and back home) or childcare costs to attend meetings. If you're relying on an Ecology (or any other) web site for outreach to the public, confirm that Internet access is available and free at the local library (and check the ability to print and take materials home – is printing free?). Even then, don't assume everyone will use the Internet or is computer literate.

PUBLIC HEALTH

- ☒ **Identify public health risk. What's the connection to the local community's (public and environmental) health? Are there highly at-risk populations nearby, such as facilities for children or seniors or migrant workers?** Are local health district officials aware of the issue(s)? What about the Washington State Department of Health (DOH)? If you're not sure, call local health districts first to find out what they know and what they may be interested in knowing. There's a good chance that the environmental health expert(s) within the local health district office will know who, if anyone, would be interested or already involved in such matters.

- ☒ Formally **invite public health participation** with (or at least review of) your work if there is any chance of public health concerns. At the state DOH, hopefully an appropriate person to contact will be known by the staff you contact at the local health department. Be sure to let the local and state public health contacts know (in writing – at least by e-mail) of each other and your contact with both.

- ☒ Don't forget that other general experts on public health include the public. The public may be the most able to provide specific and/or unique public health profiles within their community, beyond what the government is aware of. Just because they're not doctors or public health officials doesn't mean they're not acutely aware of the health-related information that could be of particular value to Ecology's work and the community.

If public health or toxicity problems are a suspected issue, there are (currently) at least five toxicologists or Ecology staff familiar with toxicity issues: **Harriet Ammann**, (360) 407-6568, is an expert on a wide variety of toxicity issues. **Cheryl Niemi**, (360) 407-6440, is an expert on statewide water-quality toxicology issues. The other toxicologists include **Craig McCormack**, (360) 407-7193, **Dave Bradley**, (360) 407-6907, and **Damon Delistraty**, (509) 329-3547. Each is a good resource to help determine if a particular Ecology activity warrants more attention from a human toxicity perspective.

SUSTAINABILITY

- ☒ **What are the longer-term implications (that are reasonable to assume) for the local community's sustainable health in relation to the action with which Ecology's involved?** Is Ecology taking those implications into account? What assurances, if any, do local residents have that Ecology's work (permit, cleanup plan, new rule, etc.) will not harm them (or harm them disproportionately) in the future? What is the local public health department or official's perspective on this? They are often (but not always) much better prepared than we are to address these health-related questions, but we have to help them know what's there to assess. Again, invite these public health experts into your work early (and document such invitations).

ZONING

- ☒ This is clearly a major factor in many of the EJ dynamics within a community, and one that Ecology has very little, if any, control over. **In the context of sustainability, it may be wise to work with local zoning/planning authorities early and often** because they may have much more capacity to take cumulative environmental information into account regarding a community's long-term environmental health. This is also true for decisions about where residents and businesses are zoned relative to one another. Is it sustainable? You may not be able to answer the question, but at least in terms of environmental impact, it's a good idea to ask it and see where it leads you. (Apr '04)